

EXHIBIT NO. 1

5
11-17-01

Docket Item # 6
SPECIAL USE PERMIT #2001-0097

Planning Commission Meeting
November 8, 2001

ISSUE: Consideration of a request for a special use permit for expansion of a noncomplying use (funeral home).

APPLICANT: Nelson E. Greene

LOCATION: 808-816 Franklin Street
Greene Funeral Home

ZONE: CL/Commercial Low

PLANNING COMMISSION ACTION, NOVEMBER 8, 2001: On a motion by Mr. Komoroske, seconded by Mr. Leibach, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations and to amend condition #3. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Mr. Greene, the applicant, was present.
There were no speakers.



SUP #2001-0097

11/08/01



STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the building. (Police)
3. **CONDITION AMENDED BY PLANNING COMMISSION:** The applicant shall improve the subject site by: (1) planting two to three Leyland Cypress trees in order to extend the existing line of trees along the eastern property line of 808 Franklin Street; (2) planting ~~two or three street trees~~ one street tree to extend the existing line of street trees along Franklin Street, in front of 808 ~~and 816~~ Franklin Street; and (3) planting ~~two or three trees~~ one street tree along South Alfred Street, directly west of the funeral home. This work shall be done within two years of approval to the satisfaction of the Director of the Department of Planning and Zoning and shall be maintained in good condition. (~~P&Z~~) (PC)

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

DISCUSSION:

1. The applicant, Nelson E. Greene, requests special use permit approval for the expansion of a noncomplying funeral home use located at 808-816 Franklin Street.
2. The subject property consists of five lots of record with a combined frontage of approximately 140 feet on Franklin Street, and a total lot area of approximately 16,648 square feet. The portion of the property utilized by the funeral home is developed with three attached brick buildings and a surface parking lot. A ten foot wide alley is located behind the site.

The property is part of a commercial block that includes a 7-Eleven store. Otherwise the area is developed with residential uses.

3. On June 12, 1999, City Council granted Special Use Permit #99-0049 for the expansion of a noncomplying use (the funeral home). The applicant failed to take action before the special use permit expired. Consequently, the applicant has reapplied for a special use permit to allow the same scope of work approved in 1999.
4. The applicant has filed this special use permit request to permit the expansion of the existing funeral home into the adjacent building located at 816 Franklin Street. The funeral home has been in operation since 1954 when it was a permitted use in C-2 zone. In 1992, the property was rezoned to CL/Commercial Low which allows funeral homes only with a special use permit (Section 4-103(F)). Without a special use permit, the existing funeral home is a noncomplying use and a special use permit is required for the physical expansion, enlargement, or intensification of a noncomplying use. If this permit is granted, both the main funeral home and the expansion will be complying uses in the CL zone.
5. The applicant has submitted a plan that depicts the existing funeral home and the proposed expansion (see attached plan). The applicant currently occupies approximately 4,199 square feet of the building at 812-814 Franklin Street. The applicant proposes to relocate the existing offices in the funeral home into the building at 816 Franklin Street and will occupy approximately 1,443 square feet on both floors of the building. The existing office space will be converted into a dressing area for the deceased and enlarged bathrooms.
6. No other changes are proposed to the operation of the funeral home and no additional staff persons will be hired to operate the business.

7. The applicant indicates that the funeral home operates on call 24 hours a day; however, patrons usually visit the funeral home for funerals and visitations between the hours of 9:00 a.m. and 9:00 p.m. Monday through Saturday and noon to 8:00 p.m. on Sundays.
8. The applicant indicates that between two and four employees operate the funeral home at any one time.
9. According to the applicant, it is difficult to predict the number of patrons who visit the funeral home because the number varies considerably at different times, but there may be as many as 200 people who attend a particular funeral.
10. Normal household garbage and office paper constitute the trash generated by the business. The applicant indicates that approximately three or four 30 gallon trash cans of garbage is generated by the business per week and is collected once a week. Additionally, there is bio-medical waste, approximately two to three boxes per month, that are collected and disposed of by Steri-Cycle according to federal regulations.
11. Pursuant to Section 8-200(F) of the zoning ordinance, no off-street parking is required for buildings constructed prior to June 25, 1963, unless or until a change of use occurs in the building. The applicant has advised that the building at 816 Franklin Street was used as a residence and television repair business for many years and that for the last seven or eight years, the building was used exclusively as a residence. As the building square footage is proposed to be used as office space, this constitutes a change in use from the prior residential use. Therefore, the off-street parking requirement does apply to this building and a minimum of three parking spaces are required for the proposed 1,443 square feet of office use. The use of the funeral home building has not changed since 1954.

Off-street parking is provided on site. Although the parking area is unstriped, staff estimates that approximately nine head-in parking spaces can be provided along the eastern property line. Staff notes that the applicant parks its vehicles both under the existing canopy, which accommodates approximately five cars, and behind the building.

12. Zoning: The subject property is located in the CL/Commercial Low zone. Section 4-103(F) of the zoning ordinance allows a funeral home in the CL zone only with a special use permit.
13. Master Plan: The proposed use is consistent with the Southwest Quadrant small area plan chapter of the Master Plan which designates the property for commercial low uses.

STAFF ANALYSIS:

Staff has no objection to the proposed expansion of the funeral home at 808-816 Franklin Street. Staff notes that the applicant has operated the funeral home for 47 years in this location and staff knows of no complaints regarding its operation. In addition, staff does not believe that the proposed expansion will have an adverse impact on the surrounding residential community.

Staff visited the site and recommends that the site be improved by: (1) planting two to three Leyland Cypress trees to extend the existing line of trees along the eastern property line of 808 Franklin Street; (2) planting two or three street trees to extend the existing line of street trees along Franklin Street, in front of both 808 and 816 Franklin Street; and (3) planting two or three trees along South Alfred Street, directly west of the funeral home.

Staff has also included a condition requiring the applicant to contact the Crime Prevention Unit of the Alexandria Police Department for a security survey. With this and other staff recommended conditions, staff recommends approval of the special use permit.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Mary Hashemi, Urban Planner.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

F-1 No objections or recommendations.

Code Enforcement:

- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-3 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Four sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-4 When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required.
- C-5 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 1313.0.
- C-6 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.

Health Department:

F-1 No comments.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department regarding a security survey for the entire business.

APPLICATION for SPECIAL USE PERMIT # 2001-0097

[must use black ink or type]

PROPERTY LOCATION: 814-816 Franklin Street

TAX MAP REFERENCE: 08Q.01/0806 and 080.01/0806 ZONE: CL

APPLICANT Name: Nelson E. Greene

Address: 814 Franklin Street, Alexandria, VA 22314

PROPERTY OWNER Name: Nelson E. & Gloria K. Greene

Address: 814 Franklin Street, Alexandria, VA 22314

PROPOSED USE: Funeral Home

Expansion of a noncomplying use (funeral home)

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Nelson E. Greene
Print Name of Applicant or Agent

Nelson E. Greene
Signature

814 Franklin Street
Mailing/Street Address

703 549 0089 703 739 4952
Telephone # Fax #

Alexandria, VA 22314
City and State Zip Code

27 Aug 2001
Date

===== DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY =====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (check one) ☒ the Owner ☐ Contract Purchaser
☐ Lessee or ☐ Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- ☐ Yes. Provide proof of current City business license
- ☐ No. The agent shall obtain a business license prior to filing application, if required by the City Code.
2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

The property 814 Franklin Street, has been in use as a funeral home since 1954. The intention is to continue this same use of that property. Modifications to 814 will be to provide additional bathroom accommodations for our patrons. The building at 816 Franklin Street, was for many years used as a Radio and Television Repair Shop and residence of the handicapped owner. Our intention is to move all office functions of the present funeral home into 816 Franklin Street. The two buildings will be made accessible to each other on the first floor as they were some many years ago.

There are only two full time employees at the funeral home, and they park on the existing parking lot.

The nature of funeal service makes it difficult to predict how many live patrons will be present at any given time. When there is a funeral in progress, there may be up to 200 persons moving in and out of the building. At all other times the numbers of persons is 1 or 2 at a time. The funeral home operates on a 24 hour on call basis, but that means we are on call 24 hours a day, not that patrons will be in the building 24 hours a day. Normal hours for patrons are 9:00 a.m. to 9:00 p.m.

Activities such as loading and unloading remains are usually carried out in one of the closed garages in the rear of the building.

USE CHARACTERISTICS

4. The proposed special use permit request is for: (check one)

- ☐ a new use requiring a special use permit,
☐ a development special use permit,
☐ an expansion or change to an existing use without a special use permit,
☒ expansion or change to an existing use with a special use permit,
☐ other. Please describe: _____

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

Only during specific times of funerals and visitations

will there be large numbers of people 100-200. These

services take place from mid-morning until 8:00 PM

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

Two to four employees at any time of the day

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Hours:

Monday through Saturday

9:00 AM - 9:00 PM

Sunday

Noon - 8:00 PM

7. Please describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

NONE

B. How will the noise from patrons be controlled?

8. Describe any potential odors emanating from the proposed use and plans to control them:

NONE

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

Normal household garbage and office paper

B. How much trash and garbage will be generated by the use?

3-4 30 gallon cans per week

C. How often will trash be collected?

Once a week

D. How will you prevent littering on the property, streets and nearby properties?

We patrol our property and the entire block to pick up litter.

We also provide trash receptacles on the parking lot

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

☒ Yes. ☐ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

Bio-Medical waste. Two-three boxes per month. Under contract
with Steri-Cycle to dispose in accordance with the applicable
federal regulations.

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

12. What methods are proposed to ensure the safety of residents, employees and patrons?

All outside areas are responsibly lighted in the evening.

All employees are trained with respect to chemicals used

in the funeral home.

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

☐ Yes. ☒ No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:
- A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

40

- B. How many parking spaces of each type are provided for the proposed use:

38

Standard spaces

Compact spaces

1

Handicapped accessible spaces.

1

Other.	Loading

- C. Where is required parking located? ☒ on-site ☐ off-site (check one)

If the required parking will be located off-site, where will it be located:

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

- D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance?

- B. How many loading spaces are available for the use?

- C. Where are off-street loading facilities located?

In the rear of 814 Franklin Street

D. During what hours of the day do you expect loading/unloading operations to occur?

24. hours a day

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

Four or five times a week

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

No new requirement

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes ☐ No

Do you propose to construct an addition to the building? ☐ Yes ☒ No

How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

_____ sq. ft. (existing) + _____ sq. ft. (addition if any) = _____ sq. ft. (total)

19. The proposed use is located in: (check one)

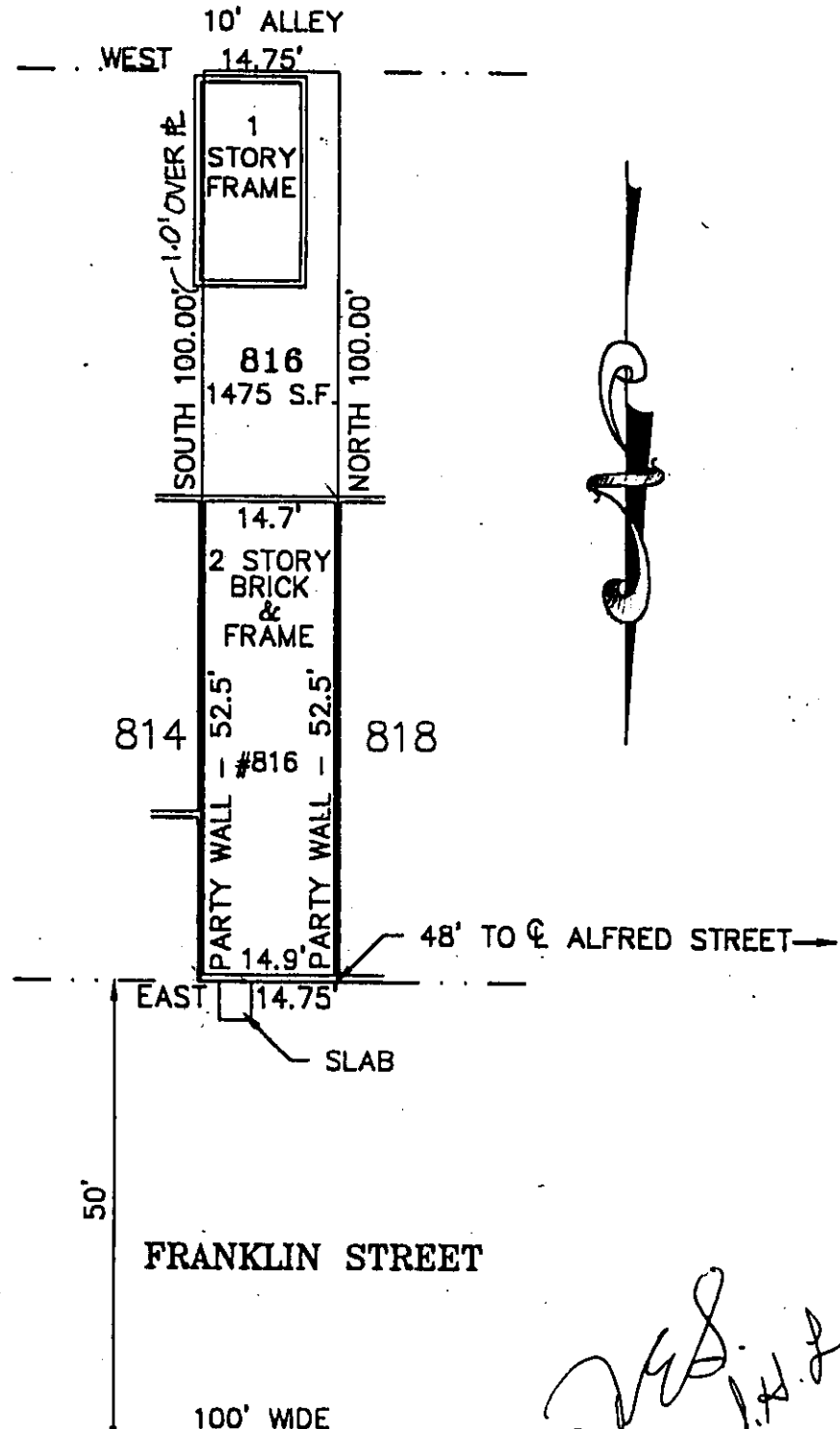
☒ a stand alone building ☐ a house located in a residential zone ☐ a warehouse

☐ a shopping center. Please provide name of the center: _____

☐ an office building. Please provide name of the building: _____

☐ other, please describe: _____

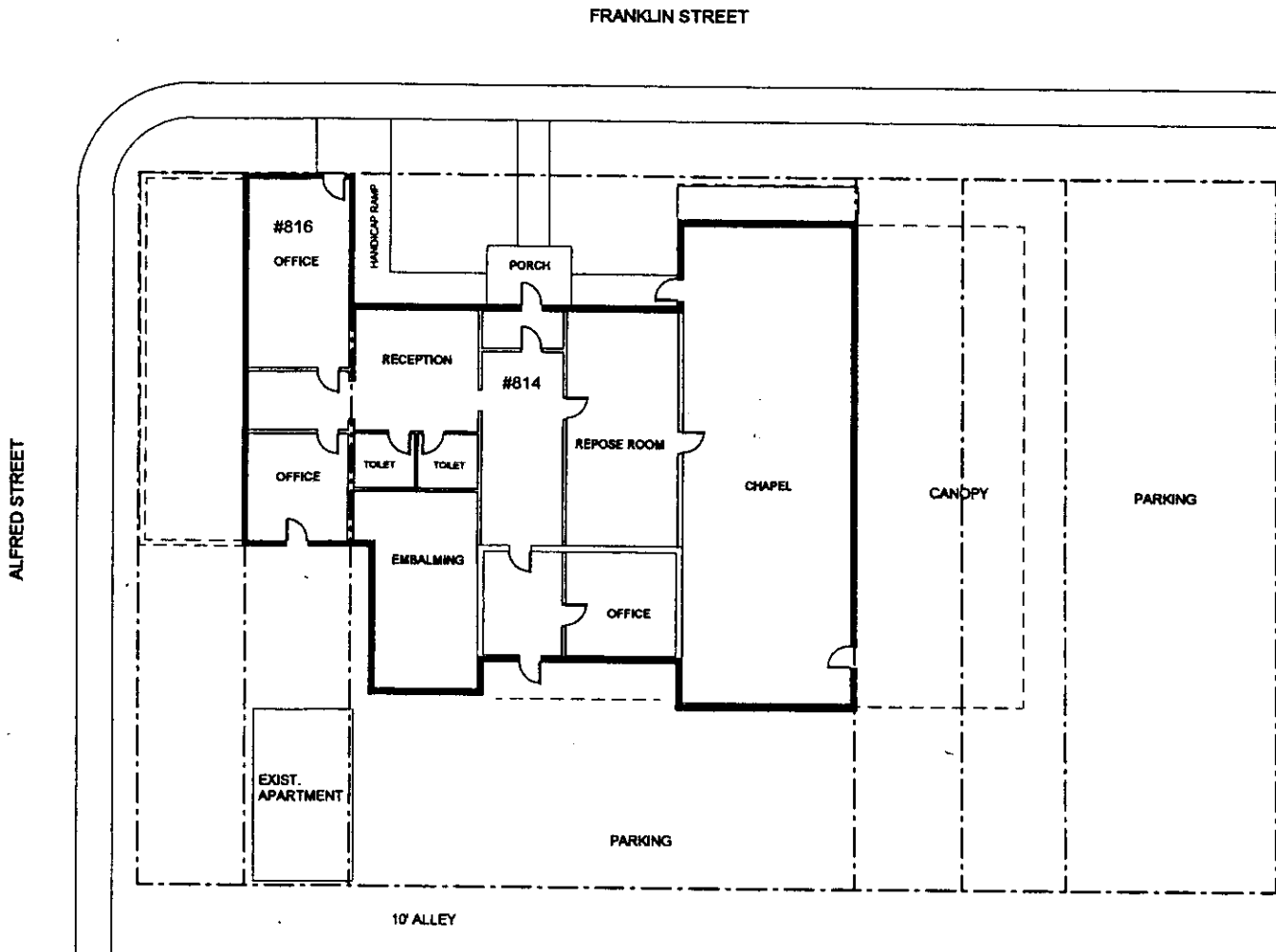
SETTLEMENT AGENT: ALL-STAR TITLE
CLIENT : GREENS. FUNERAL HOME CASE NO. 98077



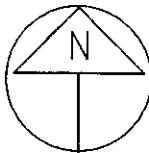
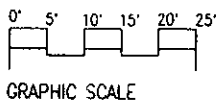
SUP 2001-0097

816 FRANKLIN STREET
CITY OF ALEXANDRIA, VIRGINIA SCALE 1"=20'

SUP 2001-0097



SCHEMATIC PLAN FOR THE GREENE FUNERAL HOME
814 AND 816 FRANKLIN STREET ALEXANDRIA, VIRGINIA
13 APRIL 1999




City of Alexandria, Virginia

MEMORANDUM

DATE: NOVEMBER 8, 2001

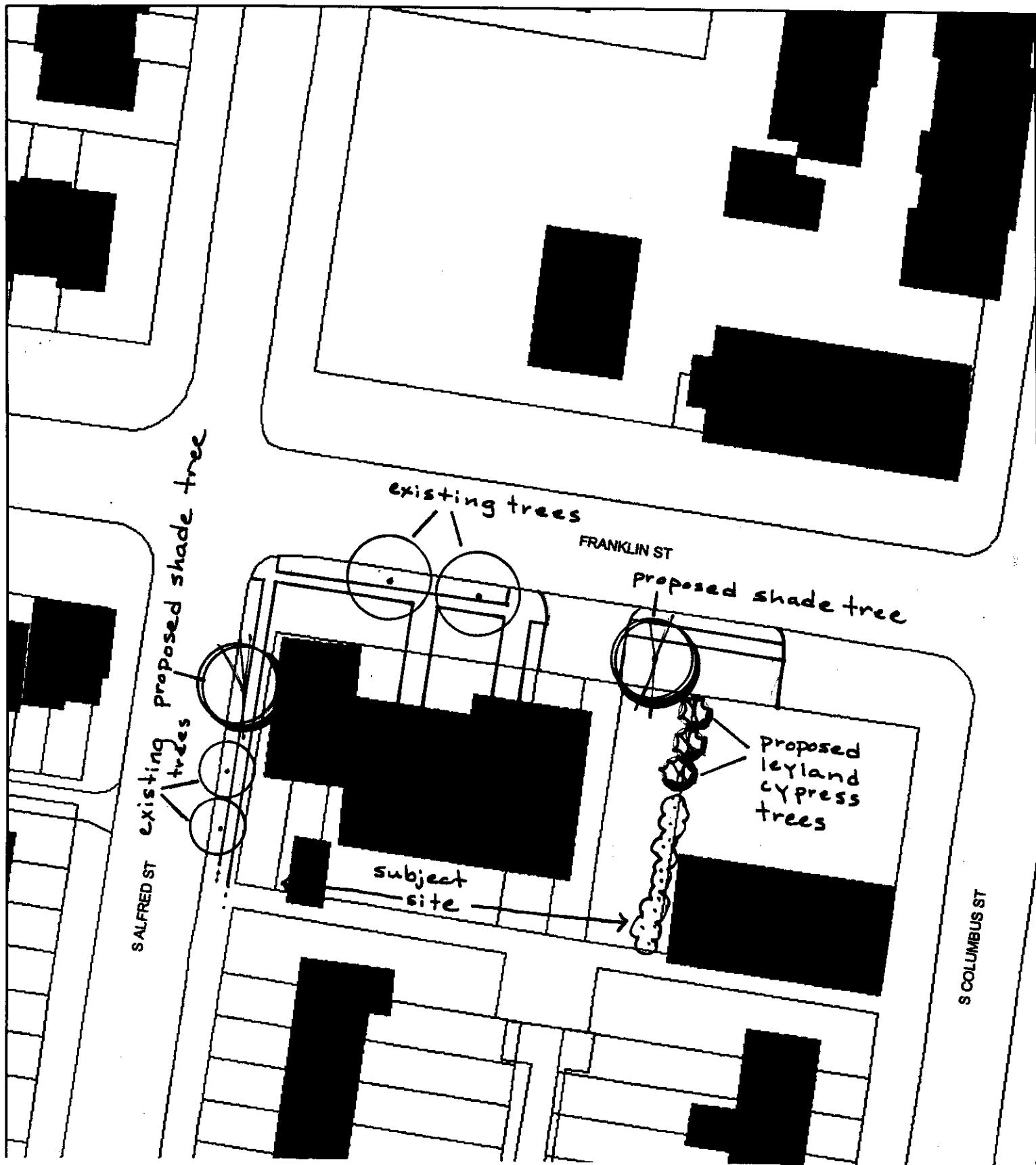
TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: EILEEN P. FOGARTY, DIRECTOR, PLANNING AND ZONING 

SUBJECT: SUP #2001-0097
808-816 FRANKLIN STREET
GREENE FUNERAL HOME

The applicant has requested and staff has agreed to change Condition #3 to state: "The applicant shall improve the subject site by: (1) planting two to three Leyland Cypress trees in order to extend the existing line of trees along the eastern property line of 808 Franklin Street; (2) planting ~~two or three street trees~~ one street tree to extend the existing line of street trees along Franklin Street, in front of 808 ~~and 816~~ Franklin Street; and (3) planting ~~two or three trees~~ one street tree along South Alfred Street, directly west of the funeral home. This work shall be done within two years of approval to the satisfaction of the Director of the Department of Planning and Zoning and shall be maintained in good condition. (P&Z)"

Two of the trees originally recommended for both Franklin and South Alfred Streets cannot be planted due to a vision clearance requirement in the zoning ordinance. This requirement helps maintain clear views for drivers turning at street corners and so provides for traffic safety. A plan, developed by staff, showing the required landscaping is attached.



GREENE FUNERAL HOME

APPLICANT: Nelson Greene
808-B16 Franklin
SUP NUMBER: 2001-0097

Proposed Landscaping

CITY OF ALEXANDRIA

Department of Planning & Zoning 19

301 King Street, Rm 2100 703.838.4666
Alexandria, Virginia 22313 Fax 703.838.6393

Filename: P:/PC/PC-RP
Date: November 8, 20

City Alternative #1

SCALE 1" : 50'

SHEET L1

APPLICATION for SPECIAL USE PERMIT # 2001-0097

[must use black ink or type]

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TAX MAP REFERENCE: 080.010806 and 080.010806 ZONE: CL

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Nelson E. Greene

Print Name of Applicant or Agent

814 Franklin Street

Mailing/Street Address

Alexandria, VA 22314

City and State Zip Code

Nelson E. Greene
Signature

703 549 0089

Telephone #

703 739 4952

Fax #

27 Aug 2001
Date

===== **DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY** =====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: 11/08/01 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 11/17/01PH -- CC approved the Planning
Commission recommendation.